

Make it easier for child porn victims to get restitution

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The U.S. Supreme Court will hear arguments today on whether to make it easier for child porn victims to collect restitution. KEN HAMMOND/USDA

Sometime today, the justices of the U.S. Supreme Court will hear a horrific story about a child known in legal documents as “Amy Unknown.”

Amy may be unknown to the court, but she is very well known online – among pedophiles who enjoy viewing images of little children being sexually abused. As a child, Amy was raped by her uncle, who filmed the acts and put them on the Internet.

Now an adult, Amy is well aware that the photos of her abuse are still widely viewed. Just knowing those images are still out there – perhaps being used to groom other children for abuse – is a daily renewal of Amy’s suffering. And there are very real effects of that: Victims often need therapy for years and encounter a wide variety of health problems and difficulties holding jobs.

Amy and the other victims of child pornography deserve restitution from those who victimized them, including those found to have downloaded their images. Winning damages from their victimizers can help them through that.

That’s where the Supreme Court comes in. Federal legislation – the 1994 Violence Against Women Act – allows judges to make child porn defendants pay victims the “full amount” of their losses. But courts have varied in how they interpret that, with some ordering no restitution and others ordering either partial or full restitution.

In the case being argued today, the court is being asked to make it easier for victims to collect restitution: They should not have to prove that a particular person's viewing of an image has caused a certain damage that requires compensation. And there should be "joint and several liability," allowing victims to seek full restitution from one deep-pocketed defendant rather than track down and sue other victimizers. That would shift the burden from child victims to those whose perverse appetites feed the market for child sex abuse and pornography.

That could produce a welcome deterrent effect. If pedophiles knew they could be on the hook for huge monetary judgments – in addition to prison time – it might make them think twice about downloading images. At the very least, it would help victims like Amy gain some control over their lives, control that was so cruelly taken away when they were raped and their images of abuse put online for the world to see.

Read more here: <http://www.thenewstribune.com/2014/01/22/3005525/make-it-easier-for-child-porn.html#storylink=cpy>